

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SANTANA ROW HOTEL PARTNERS, L.P.,) CASE NO.: C 05-00198 JW

Plaintiff,

v.

ZURICH AMERICAN INSURANCE
COMPANY, GALLAGHER-PIPINO, INC.,
and ARTHUR J. GALLAGHER & CO.

Defendants.

**STIPULATION AND ORDER REGARDING
THE HEARING DATE FOR PENDING
MOTIONS FOR PARTIAL SUMMARY
JUDGMENT AND/OR SUMMARY
JUDGMENT**

ZURICH AMERICAN INSURANCE
COMPANY,

Cross-Complainant,

v.

GALLAGHER-PIPINO, INC.

Cross-Defendant.

Second Amended Complaint Filed: June 20, 2006

WHEREAS, Zurich American Insurance Company (“Zurich”) filed its motion for partial summary judgment on November 20, 2006;

WHEREAS, Gallagher-Pipino and Arthur J. Gallagher & Company (collectively, “Gallagher”) filed their motion for summary judgment and/or partial summary judgment on

December 15, 2006;

WHEREAS, briefing relating to the two pending motions for partial summary judgment/summary judgment was completed at or about the end of January 2007;

WHEREAS, following a series of continuances, the hearing date for the motions for partial summary judgment/summary judgment and associated papers was last set for March 12, 2007 (see Doc. No. 210);

WHEREAS, on March 6, 2006, the Court continued the hearing date for the motions for partial summary judgment/summary judgment to a date uncertain to allow Magistrate Howard Lloyd time to rule on a pending discovery issue (see Doc. No. 258);

WHEREAS, Magistrate Howard Lloyd ruled on the pending discovery issue on April 17, 2007 (see Doc. No. 301);

WHEREAS, pursuant to the Court Clerk's instruction to provide 35 day's notice for a new hearing date on its pending motion, Zurich re-noticed its motion for partial summary judgment for hearing on June 4, 2007 (see Doc. No. 304);

WHEREAS, the parties wish to proceed with a hearing on the motions for partial summary judgement/summary judgment and related papers as soon as possible to enable them to make determinations as to whether to proceed with alternative dispositive motions and to otherwise prepare for trial;

IT IS THEREFORE STIPULATED by and between the parties hereto, through their respective counsel of record, that the hearing on the motions for partial summary judgment and summary judgment filed by Zurich and Gallagher and the associated papers may be set for **May 14, 2007** at 10:00 a.m. in Department 8 of the United States District Court, San Jose Division.

Dated: April __, 2007

RUBY & SCHOFIELD

/s/

By: Steven A. Ellenberg

Attorneys for Plaintiff, Santana Row
Hotel Partners, L.P.

1
2 Dated: April __, 2007

JONES TURNER, LLP

3 /s/

4 By: _____
5 Steven D. Turner

6 Attorneys for Defendant, Zurich
7 American Insurance Company

8 Dated: April __, 2007

SELVIN WRAITH HALMAN, LLP

9 /s/

10 By: _____
11 Gary R. Selvin

12 Attorneys for Defendants, Gallagher
13 Pipino, Inc. and Arthur J. Gallagher &
14 Company.

15 PURSUANT TO THE ABOVE STIPULATION, IT IS ORDERED that the hearing on the motions
16 for partial summary judgment and summary judgment filed by Zurich and Gallagher, along with the
17 papers associated therewith, is set for **May 14, 2007** at 10:00 a.m. in Department 8 of the United
18 States District Court, San Jose Division.

19 Dated: _____, 2007

20 _____
21 The Honorable James Ware
22 United States District Court

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 Pacifica, Suite 210, Irvine, California 92618.

On April 23, 2007, I served the following document described as:

**STIPULATION AND ORDER REGARDING THE HEARING DATE FOR PENDING
MOTIONS FOR PARTIAL SUMMARY JUDGMENT AND/OR SUMMARY JUDGMENT**

[X] BY ELECTRONIC MAIL TRANSMISSION: I caused a PDF format copy of said document(s) to be transmitted via electronic mail to the person(s) at the e-mail address(es) set forth herein.

Allen Ruby aruby@rubyschofield.com

Glen Schofield gschofield@rubyschofield.com

Steven A. Ellenberg sellenberg@rubyschofield.com

Gary R. Selvin gselvin@selvinwraith.com

[X] Federal I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed April 23, 2007, at Irvine, California.

/s/
Jann Gallagher